

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tremere Smith

(b) County of Residence of First Listed Plaintiff Bucks County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Haggerty, Goldberg, Schliefer & Kupersmith, PC
92 Buck Road, Holland, PA 18966; (215) 354-9100**DEFENDANTS**

Michael Dziura (see attached for additional defendants)

County of Residence of First Listed Defendant Burlington County
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

German, Gallagher & Murtagh
200 S. Broad St., Ste. 500, Phila, PA 19102 (215)545-7700**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input checked="" type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	REAL PROPERTY <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	CIVIL RIGHTS PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act SOCIAL SECURITY <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|--|--|--|---|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|--|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332**VI. CAUSE OF ACTION**Brief description of cause:
Motor vehicle accident**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

March 30, 2022

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Matthew McColgan

RECEIPT # _____ AMOUNT _____

APPLYING IFFP _____

JUDGE _____

MAG. JUDGE _____

Miller Auto Leasing Co.
Burlington County, State of New Jersey

Miller Transportation Group a/k/a
And/or d/b/a Miller Truck Leasing
Burlington County, State of New Jersey

Exel Inc. d/b/a DHL Supply Chain
Franklin County, State of Ohio

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____ 705 Winder Drive, Bristol, PA 19007

Address of Defendant: _____ 360 Westar Boulevard, Westerville, OH 43082

Place of Accident, Incident or Transaction: _____ Bristol Township, PA

RELATED CASE, IF ANY:

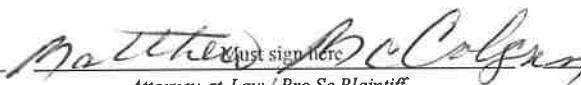
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/30/2022



Matthew B. Colgan
Attorney-at-Law / Pro Se Plaintiff

319484

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)**A. Federal Question Cases:**

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: _____

 Sign here if applicable
 Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TREMERE SMITH : **CIVIL ACTION**
 :
v. : **NO.**
 :
MICHAEL DZIURA, et al.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, Exel, Inc. d/b/a DHL Supply Chain (“Removing Defendant”) hereby files this Notice of Removal to remove this case from Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania. The grounds for removal are as follows:

INTRODUCTION

1. The instant lawsuit arises from a motor vehicle accident which is alleged to have occurred on March 10, 2020 at or about the intersection of Bristol Pike and Edgely Road in Levittown, PA.
2. On or about February 17, 2022, Plaintiff filed his civil action Complaint with the Philadelphia County Court of Common Pleas, docketed as case number 220201908.
3. Plaintiff’s Complaint is not specific with regard to his sought-after monetary relief, indicating only that he demands judgment “in an amount in excess of Fifty Thousand Dollars (\$50,000.00) in damages.”
4. Service has been effectuated upon Removing Defendant on February 28, 2022 at Removing Defendant’s headquarters of 360 Westar Boulevard, Westerville, Ohio 43082.

5. Pursuant to 28 U.S.C. § 1446(a), the following are attached:

- Plaintiff's Complaint, docketed as case number 220201908, attached hereto as Exhibit "A";
- New Jersey Department of Treasury, Division of Revenue and Enterprise record of Defendant, Miller Auto Leasing, Co., attached as Exhibit "B";
- Pennsylvania Department State search result for "Miller Transportation Group", attached as Exhibit "C";
- United States Department of Transportation search result for "Miller Truck Leasing", attached as Exhibit "D.";
- United States Department of Transportation search result for "Miller Auto Leasing Co.", attached as Exhibit "E"; and,
- Email correspondence with Plaintiff's counsel regarding the amount in controversy exceeding \$75,000, attached as Exhibit "F."

NOTICE OF REMOVAL IS TIMELY

6. State-court actions that originally could have been filed in federal court may be removed to federal court. *Caterpillar, Inc., v. Williams*, 482 U.S. 386, 392, 107 S.Ct. 2425, 96 L.Ed.2d 318 (1987) (citing 28 U.S.C. § 1441).

7. Section 1441 provides in relevant part:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, maybe removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

28 U.S.C. § 1441 (a).

8. A notice of removal must be filed within thirty (30) days after the receipt by the defendant of a copy of the initial pleading setting forth a claim for relief upon which such action or proceeding is based." *Id.* § 1446 (b).

9. If the case is initially not removable, however, a notice of removal may be filed within thirty (30) days "after receipt by the defendant, through service or otherwise, of a copy of

an amended pleading, motion, order *or other paper* from which it may first be ascertained that the case is one which is or has become removable.” *Id.* (emphasis added); *see also, Bishop v. Sam's E., Inc.*, CIV.A. 08-4550, 2009 WL 1795316, at *1 (E.D. Pa. June 23, 2009).

10. Defendants file this Notice of Removal within thirty (30) days of receipt of Plaintiff’s Complaint. *See* Exh. A.

11. No previous petition for removal has been made with respect to the Complaint.

THE VENUE REQUIREMENT IS MET

12. The venue of this removal to the United States District Court for the Eastern District of Pennsylvania is proper under 28 U.S.C. § 1441(a) because the Philadelphia County Court of Common Pleas, where the action is currently pending, is within the Eastern District of Pennsylvania.

DIVERSITY JURISDICTION EXISTS

13. This lawsuit is an action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and is one that may be removed to this Court under the provisions of 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

14. Pursuant to 28 U.S.C. § 1332(a), the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different States. 28 U.S.C. § 1332(a).

15. Diversity of citizenship must have existed at the time the complaint was filed, and at the time of removal. *Johnson v. Smithkline Beecham Corp.*, 724 F.3d 337, 346 (3d Cir. 2013) (*citing Abels v. State Farm Fire & Cas. Co.*, 770 F.2d 26, 29 (3d Cir. 1985)).

16. Pursuant to 28 U.S.C. § 1441(b), lawsuits that do not arise under federal law are removable “if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought”. 28 U.S.C. § 1441(b).

17. Plaintiff alleges that he is a citizen and resident of the Commonwealth of Pennsylvania. *See Exh. “A” at ¶ 1.*

18. Removing Defendant is a corporation incorporated under the laws of the Commonwealth of Massachusetts with its principal place of business located at 360 Westar Boulevard, Westerville, Ohio 43082 and, therefore, Defendant is deemed to be a citizen of the Commonwealth of Massachusetts and the State of Ohio.

19. Co-defendant, Michael Dziura is alleged to reside at 28317 Schoolhouse Road, Columbus, New Jersey 08022 and, therefore, is deemed to be a citizen of Ohio. *See Exh. A.*

20. Co-defendant, Miller Auto Leasing, Co. is alleged to have a principal place of business at 1824 Route 38, Lumberton, NJ 08048. *Id.*

21. According to the State of New Jersey Department of Treasury Division of Revenue and Enterprise, Defendant, Miller Auto Leasing, Co. is a domestic for-profit corporation with a registered agent and office of Lumberton, New Jersey. *See Exh. B.*

22. While Defendant, Miller Transportation Group a/k/a and/or d/b/a Miller Truck Leasing is alleged to be a Pennsylvania company, this allegation is false.

23. For instance, the Pennsylvania Department of State has no record of “Miller Transportation Group”. *See Exh. C.*

24. On the contrary, according to the United States Department of Transportation, “Miller Truck Leasing” is located in Lumberton, New Jersey. *See Exh. D.*

25. Moreover, according to the United States Department of Transportation, “Miller Truck Leasing” is a “dba name” of Miller Auto Leasing Co. *See* Exh. E.

26. Therefore, none of the named defendants are citizens of the Commonwealth of Pennsylvania, the state in which Plaintiff resides.

27. None of the named defendants are citizens of the Commonwealth of Pennsylvania, the state in which this action was initiated.

28. Complete diversity of citizenship exists between Plaintiff and Defendants.

29. Diversity of citizenship has existed between Plaintiff and Defendants at the time this action was initiated by the filing of the Complaint and at the time of the filing herein Notice of Removal.

THE AMOUNT IN CONTROVERSY REQUIREMENT IS MET

30. Pursuant to 28 U.S.C. § 1332(a), the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different States.

31. Where the complaint states that the plaintiff seeks an unspecified amount of damages, district courts have employed different standards of proof when evaluating whether the amount in controversy requirement is met. *Penn v. Wal-Mart Stores, Inc.*, 116 F. Supp. 2d 557, 561-67 (D.N.J. 2000).

32. Regardless of the standard of proof employed, the amount in controversy requirement is met in this case.

33. A broad interpretation of § 1446 (b)’s use of “other paper” is consistent with the statute’s purpose to “commence the running of the thirty day period once the defendant receives actual notice that the case has become removable, which may be communicated in a formal or

informal manner.” *Broderick v. Dellasandro*, 859 F.Supp. 176, 178-80 (E.D.Pa.1994) (citations omitted); *see also* 14A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 3732 at 310 (3d ed. 1998) (noting that “the requisite notice may be communicated in either a formal or informal manner”).

34. Courts have further held that correspondence between counsel can constitute “other paper,” *see Efford v. Milam*, 368 F.Supp.2d 380 (E.D.Pa. 2005) (letter from plaintiffs’ attorney to defendants’ attorney); *Broderick*, 859 F.Supp. at 176 (same); *Rahwar v. Nootz*, 863 F.Supp. 191, 192 (D.N.J. 1994) (same); *Hessler v. Armstrong World Indus.*, 684 F.Supp. 393, 394 (D.Del. 1988) (same).

35. Here, Plaintiff’s Complaint seeks an unspecified amount of compensatory damages in this action, which arises from a motor vehicle accident that allegedly caused Plaintiff to sustain injuries and damages. *See Exh. A.*

36. On March 23, 2022, Plaintiff’s counsel indicated that the amount in controversy “far exceeds \$75,000.” *See Exh. F.*

37. Specifically, Plaintiff’s counsel indicated no objection to this matter being removed.

38. Defendants, therefore, aver that subject matter jurisdiction exists in this Honorable Court pursuant to 28 U.S.C. §1332(a)(1) because the parties are diverse and the amount in controversy requirement is met.

39. This civil action is one that may be removed to this Honorable Court based on diversity of citizenship pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because (a) this action is a civil action pending within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania; (b) Plaintiff is a citizen of a state different from the named Defendants;

(c) No defendant is a citizen of the Commonwealth of Pennsylvania; and (d) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

40. Defendant desires to and does remove the action reflected in the attached exhibits from the Philadelphia County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

41. A copy of this Notice of Removal is being filed with the Philadelphia County Court of Common Pleas.

WHEREFORE, Defendant, Exel, Inc. d/b/a DHL Supply Chain. respectfully request that the civil action reflected in the exhibits attached hereto, which is captioned as *Tremere Smith vs. Michael Dziura, et al.* docketed as case number 220201908, currently pending in the Philadelphia County Court of Common Pleas, be removed to this Honorable Court pursuant to the laws of the United States as cited herein.

Respectfully submitted,

GERMAN, GALLAGHER & MURTAGH



BY:

Matthew J. McColgan, Esquire
Identification No. 319484
The Bellevue, Suite 500
200 S. Broad Street
Philadelphia, PA 19102
mccolganm@ggmfirm.com
*Attorneys for Removing Defendant,
Exel, Inc. d/b/a DHL Supply Chain and
Michael Dziura*

Dated: March 30, 2022

CERTIFICATE OF SERVICE

The undersigned certify that a true and correct copy of the within Notice of Removal of Defendants was served on the parties listed below on March 30, 2022 by e-mail and addressed as follows:

Michael B. Alexanian, Esquire
HAGGERTY, GOLDBERG, SCHLEIFER & KUPERSMITH, P.C.
92 Buck Road
Holland, PA 18966

GERMAN, GALLAGHER & MURTAGH

BY:



Matthew J. McColgan, Esquire
Identification No. 319484
The Bellevue, Suite 500
200 S. Broad Street
Philadelphia, PA 19102
mccolganm@ggmfirm.com
*Attorneys for Removing Defendant,
Exel, Inc. d/b/a DHL Supply Chain and
Michael Dziura*

Dated: March 30, 2022

EXHIBIT A

HAGGERTY, GOLDBERG, SCHLEIFER & KUPERSMITH, P.C.

By: Michael B. Alexanian, Esquire

Attorney I.D. No.: 325557

92 Buck Road

Holland, PA 18966

215-354-9100

MAlexanian@hgsklawyers.com

*Filed and Attested by the
Office of Judicial Records
17 FEB 2022 03:44 pm
S. RICE*


Attorneys for Plaintiff

TREMERE SMITH	:	COURT OF COMMON PLEAS
705 Winder Drive	:	PHILADELPHIA COUNTY
Bristol, PA 19007	:	
Plaintiff,	:	FEBRUARY TERM, 2022
	:	

vs.

MICHAEL DZIURA	:	No.:
28317 Schoolhouse Road	:	
Columbus, NJ 08022	:	
and	:	
MILLER AUTO LEASING CO.	:	
1824 Route 38	:	
Lumberton, NJ 08048	:	
and	:	
MILLER TRANSPORTATION GROUP a/k/a	:	MAJOR NON-JURY
and/or, d/b/a MILLER TRUCK LEASING	:	
3200 S. 7th Street	:	
Philadelphia, PA 19148	:	
and	:	
EXEL INC d/b/a DHL SUPPLY CHAIN	:	
360 Westar Boulevard	:	
Westerville, OH 43082	:	
Defendants.	:	

NOTICE TO DEFEND

<u>NOTICE</u>	<u>AVISO</u>
You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against	Le han demandado a usted en la corte. Si usted quiere defenderse de estas de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas

you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademas, la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisions de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociacion De Licenciados De Filadelfia
Servicio De Referencia E Informacion Legal
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

HAGGERTY, GOLDBERG, SCHLEIFER & KUPERSMITH, P.C.

By: Michael B. Alexanian, Esquire

Attorney I.D. No.: 325557

92 Buck Road

Holland, PA 18966

215-354-9100

MAlexanian@hgsklawyers.com

		Attorneys for Plaintiff
TREMERE SMITH	:	COURT OF COMMON PLEAS
705 Winder Drive	:	PHILADELPHIA COUNTY
Bristol, PA 19007	:	
Plaintiff,	:	FEBRUARY TERM, 2022
	:	
vs.	:	
	:	
MICHAEL DZIURA	:	No.:
28317 Schoolhouse Road	:	
Columbus, NJ 08022	:	
and	:	
MILLER AUTO LEASING CO.	:	
1824 Route 38	:	
Lumberton, NJ 08048	:	
and	:	
MILLER TRANSPORTATION GROUP a/k/a	:	MAJOR NON-JURY
and/or, d/b/a MILLER TRUCK LEASING	:	
3200 S. 7th Street	:	
Philadelphia, PA 19148	:	
and	:	
EXEL INC d/b/a DHL SUPPLY CHAIN	:	
360 Westar Boulevard	:	
Westerville, OH 43082	:	
Defendants.	:	

**CIVIL ACTION
MOTOR VEHICLE ACCIDENT**

1. Plaintiff, TREMERE SMITH, is an adult individual who resides at 705 Winder Drive, Bristol, PA 19007.

2. Defendant, MICHAEL DZIURA, is an adult individual who, upon information and belief, resides at 28317 Schoolhouse Road, Columbus, NJ 08022.

3. Defendant, MILLER AUTO LEASING CO., upon information and belief, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying to do business under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at 1824 Route

38, Lumberton, NJ 08048.

4. Defendant, MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, upon information and belief, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying to do business under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at 3200 S. 7th Street, Philadelphia, PA 19148.

5. Defendant, EXEL INC d/b/a DHL SUPPLY CHAIN, upon information and belief, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying to do business under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at 360 Westar Boulevard, Westerville, OH 43082.

6. On March 10, 2020, at approximately 9:21 P.M., Plaintiff, TREMERE SMITH was operating his motor vehicle while traveling on US 13/Bristol Pike at/near Edgely Road, in Bristol Township, Pennsylvania, when suddenly and without warning, Defendant, MICHAEL DZIURA, negotiated a left turn onto Edgely Road, ultimately striking Plaintiffs' motor vehicle head-on.

7. Upon information and belief, at all times material to this Civil Action, defendant, MILLER AUTO LEASING CO., owned, maintained, operated, leased and/or possessed a vehicle being operated by its agent, representative, servant, workman and/or employee, Defendant, MICHAEL DZIURA, who operated the aforesaid motor vehicle with the consent and permission of Defendant, MILLER AUTO LEASING CO.

8. Upon information and belief, at all times material to this Civil Action, defendant, MILLER TRANSPORTATION GROUP, owned, maintained, operated, leased and/or possessed a vehicle being operated by its agent, representative, servant, workman and/or employee, Defendant, MICHAEL DZIURA, who operated the aforesaid motor vehicle with the consent and permission of Defendant, MILLER TRANSPORTATION GROUP.

9. Upon information and belief, at all times material to this Civil Action, defendant, EXEL INC d/b/a DHL SUPPLY CHAIN, owned, maintained, operated, leased and/or possessed a vehicle being operated by its agent, representative, servant, workman and/or employee, Defendant, MICHAEL DZIURA, who operated the aforesaid motor vehicle with the consent and permission of Defendant, EXEL INC d/b/a DHL SUPPLY CHAIN.

10. Venue is appropriate in Philadelphia County, as Defendant, MILLER

TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, at all times relevant herein, regularly conducts business within the City and County of Philadelphia, Pennsylvania by, inter alia owning and operating a retail store under the name "Miller Truck Leasing" within Philadelphia County and as such are subject to venue here pursuant to Pennsylvania Rule to Civil Procedure 2179.

11. At all times material to this Civil Action, Defendant, MICHAEL DZIURA, was otherwise responsible for a White 2020 Freightliner, bearing license plate 2792646, registered in the State of Indiana.

12. At all times material to this Civil Action, Defendant, MICHAEL DZIURA, controlled, operated, leased and/or possessed, Defendants, MILLER AUTO LEASING CO., MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, and/or EXEL INC d/b/a DHL SUPPLY CHAIN'S vehicle, with the permission of the owner(s), Defendants, MILLER AUTO LEASING CO., MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, and/or EXEL INC d/b/a DHL SUPPLY CHAIN.

13. At all times material to this Civil Action, Defendant, MILLER AUTO LEASING CO, acted or failed to act through their agents, servants, workmen and/or employees, including, without limitation, Defendant, MICHAEL DZIURA, who were then and there acting with the consent of Defendant, MILLER AUTO LEASING CO.

14. At all times material to this Civil Action, Defendant, MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, acted or failed to act through their agents, servants, workmen and/or employees, including, without limitation, Defendant, MICHAEL DZIURA, who were then and there acting with the consent of Defendant, MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING.

15. At all times material to this Civil Action, Defendant, EXEL INC d/b/a DHL SUPPLY CHAIN, acted or failed to act through their agents, servants, workmen and/or employees, including, without limitation, Defendant, MICHAEL DZIURA, who were then and there acting with the consent of Defendant, EXEL INC d/b/a DHL SUPPLY CHAIN.

16. At the aforesaid time and place, Defendant, MICHAEL DZIURA, acting as aforesaid, so negligently and carelessly operated the aforementioned vehicle so as to cause it to collide into the front of the vehicle being operated by Plaintiff, TREMERE SMITH, causing Plaintiff's injuries and other losses hereinafter more fully set forth.

COUNT I
TREMERÉ SMITH vs. MICHAEL DZIURA

17. Plaintiff, TREMERÉ SMITH, hereby incorporates by reference all of the allegations contained in the preceding paragraphs as if they were set forth at length.

18. The negligence and carelessness of Defendant, MICHAEL DZIURA, acting as aforesaid, consisted of the following:

- (a) Operating the vehicle at an excessive rate of speed under the circumstances;
- (b) Failing to keep assured clear distance between vehicles;
- (c) Failing to have the motor vehicle under proper and adequate control;
- (d) Careless operation of the motor vehicle;
- (e) Disregarding oncoming traffic prior to making a left-hand turn;
- (f) Failing to exercise due care and caution under the circumstances;
- (g) Failing to keep proper lookout for the other vehicles on the roadway;
- (h) Operating the motor vehicle without due regard for the rights and safety of Plaintiff, TREMERÉ SMITH;
- (i) Violations of the pertinent provisions of the Pennsylvania Vehicle Code, including but not limited to 75 P.A.C.S. §3361, §3714; and
- (j) Negligence at law.

19. As a result of the negligence and carelessness of Defendant, MICHAEL DZIURA, acting as aforesaid, Plaintiff, TREMERÉ SMITH, was caused to sustain severe injuries to his bones, joints, muscles, tendons, blood vessels and soft tissues throughout his entire body; he was caused to sustain injuries and/or aggravate pre-existing injuries of, but not limited to: scar to left leg, scar to chin resulting from a laceration requiring sutures, cervical and lumbar disc herniations along with an annular tear at L4-5, all of which said injuries have in the past and will in the future cause Plaintiff, TREMERÉ SMITH, great pain and suffering and are serious and permanent in nature.

20. By reason of the aforesaid injuries, Plaintiff, TREMERÉ SMITH, has been and probably will in the future be obliged to expend large and various sums of money for medical treatment in an attempt to treat and cure himself of her aforesaid injuries.

21. As a further result of this accident, Plaintiff, TREMERÉ SMITH, has been and will be obliged to receive and undergo medical attention and to expend various sums of money or incur

various expenses which have exceeded the sum recoverable under the limits in 75 Pa. C.S.A. Section 1711.

22. Plaintiff, TREMERE SMITH, has lost the wages of his employment. His earning capacity has been impaired.

23. As a direct and proximate result of the foregoing, Plaintiff, TREMERE SMITH, has been prevented from pursuing his daily routines, duties and occupations and may be prevented from doing the same in the indefinite future, all to his great detriment and loss.

24. As a further result of this accident, Plaintiff, TREMERE SMITH, has sustained property damage to his automobile and other economic losses.

WHEREFORE, Plaintiff, TREMERE SMITH, demands judgment against Defendant, MICHAEL DZIURA, individually and/or jointly and severally, in a sum in excess of Fifty Thousand Dollars (\$50,000.00) in damages.

COUNT II

TREMERE SMITH vs. MILLER AUTO LEASING CO., MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, and/or EXEL INC d/b/a DHL SUPPLY CHAIN

25. Plaintiff, TREMERE SMITH, hereby incorporates by reference all of the allegations contained in the preceding paragraphs as if they were set forth at length.

26. The negligence and carelessness of Defendants, MILLER AUTO LEASING CO., MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, and/or EXEL INC d/b/a DHL SUPPLY CHAIN, acting as aforesaid, consisted of the following:

- (a) Negligently entrusting the motor vehicle to its agents, representatives, servants, workmen and/or employees, including but not limited to, MICHAEL DZIURA, who they knew or should have known would not operate same in a safe and reasonable manner;
- (b) Negligently hiring agents, representatives, servants, workmen and/or employees, including but not limited to, MICHAEL DZIURA, who they knew or should have known would not operate a motor vehicle in a safe and reasonable manner;
- (c) Negligently training and supervising agents, representatives, servants, workmen and/or employees, including but not limited to, MICHAEL

DZIURA, who they knew or should have known would not operate a motor vehicle in a safe and reasonable manner;

- (d) Violations of the pertinent provisions of the Pennsylvania Vehicle Code; and
- (e) Negligence at law.

27. As a result of the negligence and carelessness of the Defendants, MILLER AUTO LEASING CO., MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, and/or EXEL INC d/b/a DHL SUPPLY CHAIN, acting as aforesaid, Plaintiff, TREMERE SMITH, was caused to sustain severe injuries to his bones, joints, muscles, tendons, blood vessels and soft tissues throughout his entire body; he was caused to sustain injuries and/or aggravate pre-existing injuries of, but not limited to: scar to left leg, scar to chin resulting from a laceration requiring sutures, cervical and lumbar disc herniations along with an annular tear at L4-5, all of which said injuries have in the past and will in the future cause Plaintiff, TREMERE SMITH, great pain and suffering and are serious and permanent in nature.

28. By reason of the aforesaid injuries, Plaintiff, TREMERE SMITH, has been and probably will in the future be obliged to expend large and various sums of money for medical treatment in an attempt to treat and cure himself of his aforesaid injuries.

29. As a further result of this accident, Plaintiff, TREMERE SMITH, has been and will be obliged to receive and undergo medical attention and to expend various sums of money or incur various expenses which have exceeded the sum recoverable under the limits in 75 Pa. C.S.A. Section 1711.

30. Plaintiff, TREMERE SMITH, has lost the wages of his employment. His earning capacity has been impaired.

31. As a direct and proximate result of the foregoing, Plaintiff, TREMERE SMITH, has been prevented from pursuing his daily routines, duties and occupations and may be prevented from doing the same in the indefinite future, all to his great detriment and loss.

32. As a further result of this accident, Plaintiff, TREMERE SMITH, has sustained property damage to his automobile and other economic losses.

WHEREFORE, Plaintiff, TREMERE SMITH, demands judgment against Defendants, MILLER AUTO LEASING CO., MILLER TRANSPORTATION GROUP, a/k/a and/or, d/b/a MILLER TRUCK LEASING, and/or EXEL INC d/b/a DHL SUPPLY CHAIN, individually and/or jointly and severally, in a sum in excess of Fifty Thousand Dollars (\$50,000.00) in damages.

Haggerty, Goldberg, Schleifer & Kupersmith, P.C.

By:



MICHAEL B. ALEXANIAN

Case ID: 220201908

VERIFICATION

I, Tremere Smith, do hereby verify that I am the Plaintiff in the foregoing action; that the attached Civil Action is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Civil Action is that of my counsel and is not mine. I have read the Civil Action and to the extent that the information therein is based upon information I have given counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the Civil Action are that of counsel, I have relied upon counsel in making this Verification. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsifications to authorities.

Tremere Smith
TREMERE SMITH

DATED: 2/17/2022

Case ID: 220201908

EXHIBIT B

STATE OF NEW JERSEY

DEPARTMENT OF THE TREASURY

DIVISION OF REVENUE AND ENTERPRISE SERVICES

LONG FORM STANDING WITH OFFICERS AND DIRECTORS

MILLER AUTO LEASING CO.

6076937500

I, the Treasurer of the State of New Jersey, do hereby certify that the above-named New Jersey Domestic For-Profit Corporation was registered by this office on November 09, 1967.

As of the date of this certificate, said business continues as an active business in good standing in the State of New Jersey, and its Annual Reports are current.

I further certify that the registered agent and office are:

**CHARLES S MILLER
BOX 617
LUMBERTON, NJ 08048**

I further certify that as of the date of this certificate, the following were listed as officers/directors of this business on the last Annual Report filed in this office on August 25, 2021.

PRESIDENT

CHARLES MILLER

BOX 617 1596 RT 38

LUMBERTON, NJ 08048

VICE PRESIDENT

MARK MILLER

BOX 617 1596 RT 38

LUMBERTON, NJ 08048

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF REVENUE AND ENTERPRISE SERVICES
LONG FORM STANDING WITH OFFICERS AND DIRECTORS

MILLER AUTO LEASING CO.
6076937500



*IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed
my Official Seal at Trenton, this
22nd day of March, 2022*

A handwritten signature in black ink, appearing to read "Elizabeth Maher Muoio".

*Elizabeth Maher Muoio
State Treasurer*

Certificate Number : 6129915993

Verify this certificate online at

https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp

EXHIBIT C

[Corporations ▾](#)[Search Business Entities \(corpsearch.aspx\)](#)[Search UCC Transactions \(uccsearch.aspx\)](#)[Forms ▾](#)[Contact Corporations \(<http://www.dos.pa.gov/BusinessCharities/Pages/default.aspx>\)](#)[Login \(<https://hub.business.pa.gov/login>\)](#)[Search entity](#) / **Select entity** / [Order documents](#)

Select Business Entity

Search Results for term *miller transportation group* type: *Starting with*

No results found for search term

[**<< Back to Search**](#)

EXHIBIT D



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Safety and Fitness Electronic Records (SAFER) System



Possible Keyword Matches

CARRIER/DBA NAME

MILLER TRUCK LEASING

LOCATION

LUMBERTON, NJ

[SAFER Home](#) | [Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Plug-ins](#)

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • [Field Office Contacts](#)

EXHIBIT E

USDOT Number MC/MX Number Name

Enter Value: MILLER TRUCK LEASING

Search

Company Snapshot

MILLER AUTO LEASING CO

USDOT Number: 297242

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

Carriers: If you would like to update the following ID/Operations information, please complete and submit form [MCS-150](#) which can be obtained [online](#) or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's [DataQs](#) system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance than what is captured in the Company Snapshot. To obtain a CSP please visit the [CSP order page](#) or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to [SAFER General Help](#).

The information below reflects the content of the FMCSA management information systems as of **03/21/2022**.

Other Information for this Carrier

▼ [SMS Results](#)

▼ [Licensing & Insurance](#)

<u>Entity Type:</u>	CARRIER		
<u>Operating Status:</u>	ACTIVE	<u>Out of Service Date:</u>	None
<u>Legal Name:</u>	MILLER AUTO LEASING CO		
<u>DBA Name:</u>	MILLER TRUCK LEASING		
<u>Physical Address:</u>			
<u>Phone:</u>			
<u>Mailing Address:</u>			
<u>USDOT Number:</u>	297242	<u>State Carrier ID Number:</u>	
<u>MC/MX/FF Number(s):</u>		<u>DUNS Number:</u>	13-319-1007
<u>Power Units:</u>	530	<u>Drivers:</u>	108
<u>MCS-150 Form Date:</u>	03/16/2022	<u>MCS-150 Mileage (Year):</u>	7,144,200 (2021)
<u>Operation Classification:</u>			
	Auth. For Hire Exempt For Hire <input checked="" type="checkbox"/> Private(Property) Priv. Pass.	Priv. Pass.(Non-business) Migrant U.S. Mail	State Gov't Local Gov't Indian Nation

(Business)	Fed. Gov't	
<u>Carrier Operation:</u>		
<input checked="" type="checkbox"/> Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)
<u>Cargo Carried:</u>		
General Freight	Liquids/Gases	Chemicals
Household Goods	Intermodal Cont.	Commodities Dry Bulk
Metal: sheets, coils, rolls	Passengers	Refrigerated Food
Motor Vehicles	Oilfield	Beverages
Drive/Tow away	Equipment	Paper Products
Logs, Poles, Beams, Lumber	Livestock	Utilities
Building Materials	Grain, Feed, Hay	Agricultural/Farm Supplies
Mobile Homes	Coal/Coke	Construction
Machinery, Large Objects	Meat	Water Well
Fresh Produce	Garbage/Refuse	X LEASED/RENTED CM
US Mail		

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

US Inspection results for 24 months prior to: **03/21/2022**

Total Inspections: **72**

Total IEP Inspections: **0**

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to [Inspections Help](#) for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat	IEP
Inspections	44	72	0	0
Out of Service	3	4	0	0
Out of Service %	6.8%	5.6%	%	0%
Nat'l Average % as of DATE 02/25/2022*	21.19%	5.82%	4.45%	N/A

*OOS rates calculated based on the most recent 24 months of inspection data per the latest monthly SAFER Snapshot.

Crashes reported to FMCSA by states for 24 months prior to: 03/21/2022

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	1	9	17	27

[ID/Operations](#) | [Inspections/Crashes In US](#) | [Inspections/Crashes In Canada](#) | [Safety Rating](#)

Canadian Inspection results for 24 months prior to: 03/21/2022

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to [Inspections Help](#) for further information.

Inspections:

Inspection Type	Vehicle	Driver
Inspections	0	0
Out of Service	0	0
Out of Service %	0%	0%

Crashes results for 24 months prior to: 03/21/2022

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 03/21/2022

Review Information:

Rating Date:	06/09/2010	Review Date:	02/07/2014
Rating:	Satisfactory	Type:	Non-Ratable

[SAFER Home](#) | [Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Plug-ins](#)

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • [Field Office Contacts](#)

EXHIBIT F

Regina Cochrane

From: Michael Alexanian <MAlexanian@hgsklawyers.com>
Sent: Wednesday, March 23, 2022 1:50 PM
To: Matthew J. McColgan
Cc: Fran Bovio; Lori Newbert
Subject: RE: Tremere Smith v. Exel, et al.

Follow Up Flag: Follow up
Flag Status: Completed

Hi Matt,

My client's injuries far surpass \$75k. I have no problem with you removing it to federal court; even though, I would rather keep it in state court, Philadelphia County.

Would you be willing to accept service on behalf of defendant, Michael Dziura? We are having difficulty serving him – we just had to reinstate the Complaint again. Please advise.

Regards,



Michael B. Alexanian, Esq.
HAGGERTY, GOLDBERG, SCHLEIFER & KUPERSMITH, P.C.
92 Buck Road 1801 Market Street, Suite 1100
Holland, PA 18966 Philadelphia, PA 19103
Phone: 215-354-9100 Ext. 306
Fax: 215-354-9125
www.hgsklawyers.com

From: Matthew J. McColgan <mccolganm@ggmfirm.com>
Sent: Wednesday, March 23, 2022 1:19 PM
To: Michael Alexanian <MAlexanian@hgsklawyers.com>
Cc: Fran Bovio <BovioF@ggmfirm.com>
Subject: RE: Tremere Smith v. Exel, et al.

Mike,

In looking through this file, it appears the PA Miller entity that has been named is a fictitious/incorrectly designated entity. Given that the actual parties are diverse, this matter appears removable.

Are you willing to stipulate that the amount in controversy does not exceed \$75,000.00, to avoid removal?

Thanks,